

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Wahkeem Mushir Rivers

Docket No. 4:16-CR-47-1BO

Petition for Action on Supervised Release

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Wahkeem Mushir Rivers, who, upon an earlier plea of guilty to Conspiracy to Possess with Intent to Distribute Cocaine Base, in violation of 21 U.S.C § 846 and 21 U.S.C. § 814(b)(1)(C), was sentenced by the Honorable James P. Jones, United States District Judge, on August 11, 2014, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years. On April 27, 2015, pursuant to Rule 35 of the Federal Rules of Criminal Procedure, the defendant's sentence was reduced to 36 months custody.

Wahkeem Mushir Rivers was released from custody on April 25, 2016, at which time the term of supervised release commenced in the Western District of Virginia. Supervision was transferred to the Eastern District of North Carolina on June 15, 2016, and jurisdiction was transferred from the Western District of Virginia to the Eastern District of North Carolina on August 3, 2016.

On May 27, 2016, Rivers submitted to urinalysis that resulted positive for marijuana. On June 7, 2016, the undersigned probation officer confronted the defendant regarding the violation. Rivers signed an admission form indicating he last used marijuana in the week leading up to his meeting with the undersigned officer, and again on or about June 4, 2016. Rivers was verbally reprimanded and counseled about his actions. Rivers also agreed to participate in outpatient substance abuse treatment. A Petition for Action was submitted by United States Probation Officer W. Bryan Murphy modifying conditions to include substance abuse treatment. The Honorable James P. Jones agreed with the modification and continued supervision on June 20, 2016.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 7, 2016, the defendant submitted to urinalysis that resulted positive for marijuana and cocaine. The defendant admitted to marijuana use and signed an admission of use form. Rivers was confronted with the cocaine use on July 19, 2016. He did not admit to this use, but stated it was possible that the marijuana he used was laced with cocaine.

As a sanction for the violation, the probation officer respectfully recommends that the conditions of supervised release be modified to include cognitive behavioral therapy and mental health treatment. Additionally, the defendant is scheduled to begin participation in Striving to Achieve Recovery, drug court, on August 11, 2016.

The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam
Melissa K. Gonigam
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: (252) 830-2345
Executed On: August 3, 2016

ORDER OF THE COURT

Considered and ordered this 4 day of August, 2016, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge